

Practitioner's Docket No. MPI00-537OMNIRCEM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sean A. McCarthy, et al.  
Application No.: 09/766,511  
Filed: January 19, 2001  
For: NUCLEIC ACIDS ENCODING TANGO405 AND FUNCTIONAL FRAGMENTS AND USES THEREOF  
Group No.: 1646  
Examiner: Jiang, Dong

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):
- |     |                                     |   |  |
|-----|-------------------------------------|---|--|
| i.  | <input checked="" type="checkbox"/> | Prior to abandonment of the application                             | 03/10/2006 MBIZUNES 00000049 501668 09766511 |
|     |                                     |   | 01 FC:1801 790.00 DA                         |
|     |                                     |   | 02 FC:1253 900.00 DA                         |
| ii. | <input type="checkbox"/>            | Payment of the issue fee  |  |
|     | <input type="checkbox"/>            | Prior to payment of issue fee                                       |  |
|     | <input type="checkbox"/>            | Issue fee has been paid but a petition under Section 1.313 has been |  |

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address" Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: March 2, 2006

Sean Hunziker  
(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

granted

- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

#### ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. Section 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

#### FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of other than a small entity \$790.00

Continued Prosecution Request Fee \$790.00

## FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	8	Minus	43	=	x \$25			x \$50 =	\$
Indep.	1	Minus	2	=	x \$125			x \$200 =	\$
[ ] First Presentation of Multiple Dependent Claim					= +\$180			+ \$360 =	\$
						Total \$0.00 Addit. Fee			

- (c) ☒ No additional fee is required.

OR

- (d) ☐ Total additional fee required is \$ \_\_\_\_\_.

### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension for <u>(months)</u>	Fee for <u>small entity</u>	Fee for other than <u>small entity</u>
<input type="checkbox"/> one month	\$ 60	\$120
<input type="checkbox"/> two months	\$ 225	\$450
<input checked="" type="checkbox"/> three months	\$ 510	\$1020
<input type="checkbox"/> four months	\$ 795	\$1,590

Fee \$ 1020.00

If an additional extension of time is required, please consider this a petition therefor.

- [x] An extension for 1 month has already been secured, and the fee paid therefor of \$ 120.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 900.00

OR

- (b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ 790.00
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ 0.00
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ 900.00
Total Fee(s) Due:	\$ 1690.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

<input type="checkbox"/>	Check is attached for the sum of	\$ _____
<input checked="" type="checkbox"/>	Charge Account 501668 the sum of	\$ 1690.00
<input type="checkbox"/>	Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

<input checked="" type="checkbox"/>	Account 501668
<input type="checkbox"/>	Credit Card (Credit Card Payment Form (PTO-2038) attached.)

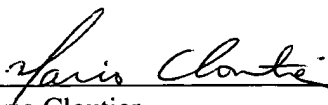
## INVENTORSHIP

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48 is/has separately:
  - ☐ being filed
  - ☐ been filed

March 2, 2006

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